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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on May 1, 2007

Date of Meeting: March 27, 2007

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:38 p.m. on Tuesday, March 27, 2007 all members having been notified of the time and place thereof.

### **1. ROLL CALL**

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra  
Carol W. West  
Karin Uhlich  
Shirley C. Scott  
Steve Leal  
Nina J. Trasoff  
Robert E. Walkup

Council Member Ward 1  
Vice Mayor, Council Member Ward 2  
Council Member Ward 3  
Council Member Ward 4  
Council Member Ward 5  
Council Member Ward 6  
Mayor

Absent/Excused:

None

Staff Members Present:

Mike Hein  
Michael Rankin  
Kathleen S. Detrick  
Mike Letcher

City Manager  
City Attorney  
City Clerk  
Deputy City Manager

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Chaplain Gary Coburn, Davis Monthan Airforce Base, after which the pledge of allegiance was led by Chaplain Gary Coburn and Staff Sergeant Jennifer Coburn, Davis Monthan Airforce Base.

Presentations:

- a. Mayor Walkup presented an "Appreciation Recognition," plaque to Richard Nassi, City Traffic Engineering Administrator, for the safety of pedestrians.
- b. Mayor Walkup proclaimed April 2 to April 6, 2007 to be "Arizona Work Zone Safety Awareness Week." Jim Glock accepted the proclamation.

Kathleen S. Detrick, City Clerk, announced Susie Rogers would be assisting with anyone in the audience needing Spanish language translation for items listed on the agenda. She also announced that Regular Agenda Item 8, which was a public hearing on a rezoning case C9-06-27, Moreno to Probasco Drive, R-1 to R-2, would not be considered because the applicant had withdrawn the application.

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 155, dated March 27, 2007, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

- a. Vice Mayor West announced she received the Women Political Caucus Memoir's Award, which promotes the roles of women in government and society. She also announced that on April 7, 2007 there would be a tour of the Tucson Water Avra Valley recharge basins and Sweetwater Wetlands. On April 12, 2007 there would be a "West Nile Prevention" Town Hall at the Ward 2 office. She also commended the neighborhood clean-ups in the Ward 2, which included the River Ranch, Vista Del Monte, San Carlos, Eastside, and Eastpoint Neighborhoods.
- b. Council Member Uhlich reported on the Caesar Chavez March that the City would be co-sponsoring on March 31, 2007. She also spoke about the Flowing Wells Neighborhood Association and Community Coalition Family Fun Day at Flowing Wells District Park that would be on March 31, 2007.
- c. Council Member Trasoff announced Ward 6 would be hosting a forum on the West Nile Virus on March 28, 2007, at the Ward 6 Council office. She also stated that there would be an award coming through the Ward 6 office from the Youth Employment and Enrichment Program. Those funds were to help sponsor the Invisible Theatre's production of "The Me inside Me" with the Past Time Players. She said they also would be sponsoring a teaching assistantship for a challenged individual, to help them pass on their skills to another.

- d. Mayor Walkup provided an update on the Tucson police officer that was seriously injured in a traffic collision early on Tuesday morning. Officer Jason Wilhelmsen remained in critical, but stable condition and the Mayor and Council send him their best wishes.

#### **4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 156, dated March 27, 2007, would be received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

No report was given.

#### **5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager's communication number 166, dated March 27, 2007, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

##### **b. Liquor License Applications**

###### **New License(s)**

- 1. Thirsty's Neighborhood Grill, Ward 2  
2422 N. Pantano Rd.  
Applicant: John Francis Kenney  
(Continuation of a Restaurant License) Series 12, City 7-07  
Action must be taken by: April 26, 2007  
Staff has indicated the applicant is in compliance with city requirements.
- 2. Bajio Mexican Grill, Ward 2  
4660 E. Camp Lowell Dr.  
Applicant: Cameron Joe Boyer  
Series 12, City 12-07  
Action must be taken by: April 13, 2007  
Staff has indicated the applicant is in compliance with city requirements.

##### **c. Special Event(s)**

- 1. Congregation Anshei Israel Preschool, Ward 6  
5550 E. 5th St.  
Applicant: Michelle Bart  
City T12-07  
Date of Event: April 22, 2007  
(Fundraiser)  
Staff has indicated the applicant is in compliance with city requirements.

2. Carondelet Foundation Inc. (dba The Centurions), Ward 5  
2500 E. Ajo Way  
Applicant: Michael T. Osborn  
City T15-07  
Date of Event: May 5, 2007  
(Fundraising Event to Benefit Carondelet St. Mary's Hospital)  
Staff has indicated the applicant is in compliance with city requirements.
3. St. Demetrios Greek Orthodox Church, Ward 3  
1145 E. Ft. Lowell Rd.  
Applicant: George A. Makris  
City T16-07  
Date of Event: April 8, 2007  
(Easter Picnic)  
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Council Member Ibarra, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, 5b2 and 5c1 through 5c3 to the Arizona State Liquor Board with a recommendation for approval.

## **6. CALL TO THE AUDIENCE**

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for any items scheduled for a public hearing. Speakers would be limited to three-minute presentations.

Kathleen S. Detrick, City Clerk stated that there were speaker cards from the prior meeting that would be considered first.

- a. Jeff Burkholder spoke about groups in Tucson that he said were spreading hate.
- b. Michael Toney spoke about the public hearing on Zoning Case C9-06-32, the Bridges PAD-Kino Parkway, and said that the public hearings leading up to this item were not properly noticed or held.
- c. Roy Warden distributed a letter to the Mayor and Council regarding legislation being introduced into the State Legislature and requested it be placed on a Mayor and Council Agenda.
- d. Russ Dove spoke about an incident that he was arrested for and stated that he was being unfairly persecuted.
- e. Joe Sweeney spoke about incidents that have been occurring at their public meetings and requested that the Mayor and Council intervene.
- f. Dr. Norman Ward spoke about the West Nile Virus and said that the City needed to reconsider fogging because of associated health risks.

Council Member Trasoff asked the City Manager, to clarify that the Mayor and Council had discussed this in Study Session and that spraying for mosquitoes was not the plan, instead that larvaecide was the recommended resolution.

Mike Hein, City Manager, stated that Council Member Trasoff was correct. He said that Maricopa County had talked about spraying, but Mayor and Council reiterated the local plan did not allow for spraying without a long public process.

## **7. CONSENT AGENDA – ITEMS A THROUGH I**

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda Items would be received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

- A. FINAL PLAT: (S06-167) ESTRELLA HOMES, A CONDOMINIUM CONVERSION PROJECT, UNITS 1 TO 8, COMMON ELEMENT “A” AND LIMITED COMMON ELEMENT “B”
  - 1. Report from City Manager MARCH27-07-158 WARD 3
  - 2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- B. REAL PROPERTY: ACQUISITION OF PROPERTY FOR A POTABLE WATER SUPPLY WELL
  - 1. Report from City Manager MARCH27-07-162 OUTSIDE CITY
  - 2. Resolution No. 20612 relating to real estate; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary certain real property located near Thornydale Road and Linda Vista Boulevard to provide a potable water supply well; and declaring an emergency.
- C. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPLEMENTATION OF APPROVED PROJECTS IN THE SAFETY ELEMENT-SIGNALIZATION TECHNOLOGY CATEGORY
  - 1. Report from City Manager MARCH27-07-159 CITY-WIDE

2. Resolution No. 20613 relating to Intergovernmental Agreements; approving and authorizing execution of Intergovernmental Agreements (IGAs) between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for implementation of approved RTA projects in the Safety Element-Signalization Technology Category; and declaring an emergency.
- D. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPLEMENTATION OF APPROVED PROJECTS IN THE SAFETY ELEMENT, ELDERLY AND PEDESTRIAN SAFETY IMPROVEMENTS CATEGORY
1. Report from City Manager MARCH27-07-160 WARDS 1, 2, AND 3
  2. Resolution No. 20614 relating to Intergovernmental Agreements; approving and authorizing execution of Intergovernmental Agreements (IGAs) between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for implementation of approved RTA projects in the Safety Element, Elderly and Pedestrian Safety Improvements; and declaring an emergency.
- E. INTERGOVERNMENTAL AGREEMENT: WITH THE STATE OF ARIZONA TO PROVIDE FEDERAL FUNDING FOR THE TUCSON REGIONAL TRANSPORTATION DATA NETWORK
1. Report from City Manager MARCH27-07-161 CITY-WIDE
  2. Resolution No. 20616 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the State of Arizona for the transfer of Federal Highway Administration Grant funding for the Regional Transportation Data Network; and declaring an emergency.
- F. PROFESSIONAL SERVICES AGREEMENT: FOR LEGAL SERVICES WITH BARRY M. COREY
1. Report from City Manager MARCH27-07-153 CITY-WIDE
  2. Resolution No. 20617 relating to professional services; authorizing an agreement with Barry M. Corey for legal services relating to appeals before the Civil Service Commission of the City of Tucson; and declaring an emergency.

Kathleen S. Detrick, City Clerk, read a correction into the record for Page 2, Exhibit A to Resolution 20617. Under Section 4, the statement that previously read “the City agrees to pay the Attorney for the services rendered to the Commission as follows” now read “the City agrees to pay the Attorney for costs and expenses as provided in Schedule A, and for the services rendered to the Commission as follows.”

G. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE CESAR E. CHAVEZ HOLIDAY COALITION

1. Report from City Manager MARCH27-07-169 WARD 3
2. Resolution No. 20618 relating to Finance; approving and authorizing the allocation of two hundred dollars (\$200) from the Community Support Fund, Account No. 001-183-1898-268, to the Arizona Cesar E. Chavez Holiday Coalition to assist in covering costs for fencing required for the 7<sup>th</sup> Annual Cesar E. Chavez March for Peace and Justice on March 31st; and declaring an emergency.

Item G was considered separately at the request of Council Member Uhlich.

H. BOARDS, COMMITTEES AND COMMISSIONS: APPOINTMENT TO THE CIVIL SERVICE COMMISSION

1. Report from City Manager MARCH27-07-170 CITY-WIDE
2. Resolution No. 20619 relating to Civil Service Commission; appointing a Commissioner; fixing annual compensation; and declaring an emergency.

Kathleen S. Detrick, City Clerk, read a correction into the record for Section 1 of Resolution 20619 regarding the term of office for Mr. Ramirez, which should read “beginning March 27, 2007 and ending January 2, 2013.”

I. INTERGOVERNMENTAL AGREEMENT: WITH THE STATE OF ARIZONA FOR THE STATEWIDE TERRORISM LIAISON OFFICER PROGRAM

1. Report from City Manager MARCH27-07-168 CITY-WIDE
2. Resolution No. 20620 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the State of Arizona through its Department of Public Safety (“DPS”) for the Statewide Terrorism Liaison Officer Program; and declaring an emergency.

It was moved by Council Member West, duly seconded, that Consent Agenda Items A through I, including the corrections to Items F and H, and with the exception of Item G, which would be considered separately, to be passed and adopted and the proper action taken.

Mayor Walkup asked if there was further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal and Trasoff;  
Vice Mayor West and Mayor Walkup

Nay: None

Consent Agenda Items A through I, including the corrections to Items F and H and with the exception of Item G, which would be considered separately, were declared passed and adopted by a roll call vote of 7 to 0.

## **7. CONSENT AGENDA - ITEM G**

### **G. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE CESAR E. CHAVEZ HOLIDAY COALITION**

1. Report from City Manager MARCH27-07-169 WARD 3
2. Resolution No. 20618 relating to Finance; approving and authorizing the allocation of two hundred dollars (\$200) from the Community Support Fund, Account No. 001-183-1898-268, to the Arizona Cesar E. Chavez Holiday Coalition to assist in covering costs for fencing required for the 7<sup>th</sup> Annual Cesar E. Chavez March for Peace and Justice on March 31st; and declaring an emergency.

Kathleen S. Detrick, City Clerk, stated as discussed during Study Session, Resolution 20618 would be amended to indicate new contributions. She reiterated that they had started with two hundred dollars from Council Member Uhlich. Council Member Ibarra added two hundred dollars, Vice Mayor West added two hundred dollars, Council Member Scott added two hundred dollars, and Council Member Trasoff added one hundred ninety one dollars. The new total was nine hundred and ninety one dollars. Ms. Detrick added that, as Council Member Trasoff indicated in Study Session, one hundred ninety-one dollars was the remaining amount in this particular Ward 6 fund and that was why the amount was one hundred ninety one instead of two hundred.

Council Member Leal stated that his fund was depleted, but he had raised money privately to buy the water for the march.

It was moved by Vice Mayor West, duly seconded, that Consent Agenda Item G, with the amendments, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Upon hearing none, he called for a roll call vote.



Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal and Trasoff;  
Vice Mayor West and Mayor Walkup

Nay: None

Consent Agenda Item G, as amended, was declared passed and adopted by a roll call vote of 7 to 0.

**8. PUBLIC HEARING: ZONING (C9-06-27) MORENO – PROBASCO DRIVE, R1 TO R2, CITY MANAGER’S REPORT**

Kathleen S. Detrick, City Clerk, announced that the applicant had submitted a written request to withdraw the request for rezoning, so it was unnecessary to hold the public hearing.

**9. PUBLIC HEARING: HARRISON ROAD, OLD SPANISH TRAIL TO GOLF LINKS ROAD DISTRICT PAVING IMPROVEMENT**

Kathleen S. Detrick, City Clerk, stated there were no written protests on this item.

\* Mayor Walkup announced City Manager’s communication number 164, dated March 27, 2007 would be received into and made a part of the record. He also announced this was a request to rezone property on Harrison Road, Old Spanish Trail to Golf Links. The Zoning Examiner and the City Manager recommended approval subject to certain conditions. Mayor Walkup asked if the applicant or representative was present and if they were aware of and agreeable to the proposed requirements. There was no one.

Mayor Walkup asked if anyone in the audience who wished to address the Council on the item at that time. There was no one.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0 to close the public hearing.

Mayor Walkup asked the City Clerk to read the Resolution 20598 by number and title only.

Resolution No. 20598 approving assessment and previous proceedings for the “Harrison Road, Old Spanish Trail to Golf Links Road District Paving Improvement,” in the City of Tucson, Arizona.

It was moved by Council Member Scott, duly seconded, to pass and adopt Resolution 20598.

\*City Clerk Note: 6/12/07 KSD:cf The minutes for March 27, 2007, as approved by Mayor and Council, contained a clerical error. Item 9, paragraph 2, following the first sentence, the remainder of the paragraph should be deleted and replaced with the following: He stated this was the time and place legally advertised for the final hearing on this improvement project. The public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations. He asked if there were any speaker cards. There were none.”

Mayor Walkup asked if there was any discussion, hearing none he called for a roll call vote on the item.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal and Trasoff;  
Vice Mayor West and Mayor Walkup

Nay: None

Resolution 20598, was declared passed and adopted by a roll call vote of 7 to 0.

**10. PUBLIC HEARING: ZONING (C9-06-32) THE BRIDGES PAD – KINO PARKWAY, R-2, C-1, C-2, AND I-1 TO PAD-15, CITY MANAGER’S REPORT AND ORDINANCE ADOPTION**

Mayor Walkup announced City Manager’s communication number 167, dated March 27, 2007 would be received into and made a part of the record. He stated this was the time and place legally advertised for a public hearing on a request for rezoning of property located east of the Union Pacific Railroad tracks, south of Thirty-sixth Street, west of Campbell Avenue and north of Interstate-10. Mayor Walkup stated the public hearing was scheduled to last for no more than one hour.

Mayor Walkup asked if the applicant or representative was present and if they were aware of and agreeable to the proposed requirements.

Jim Portner, Project International, expressed his gratitude in anticipation of the vote the Mayor and Council was about to take on this matter. He stated there had been two years of hard work by many people to get to this point; including members of the Council, City Manager and his office, and City staff. Neighborhood Association representatives and their membership had been absolutely unbelievable, with their level of dedication and participation from the first day. He stated that he agreed with the Zoning Examiner’s recommendation. He asked the Mayor and Council to also accept the recommendation, and approve the Planned Area Development to make the project a reality. He said he was available to address any questions.

Mayor Walkup, announced speakers would be limited to five-minute presentations. He asked for speakers to come forward as he called their name.

Bill Dupont stated he had been in front of Mayor and Council on this subject during the eight years that they had been discussing the big box ordinance. He said he would like the Mayor and Council to limit the change to the big box ordinance to that certain area. He also stated that he appreciated all the work and cooperation that went on to make this happen.

Cindy Ayala, president of the Pueblo Gardens Neighborhood Association, thanked the Mayor and Council for taking the time to vote on this PAD document. She said the neighborhood had been supporting the project since the first day, when Council Member Leal came and spoke to them about it. Pueblo Gardens supported the PAD document and the ordinance being changed, and they supported the whole project in general. She said they also supported a plaque being made in commemoration of the fact that the property was Howard Hughes' private airstrip at one time.

Charlotte Cruz, president of Las Vistas Neighborhood Association, said she brought with her some of her neighbors who were in favor of this project. They thanked Mayor and Council for all of their dedication and hard work. She also thanked the Zoning Examiner for his eloquent representation of what was direly needed in their area. She asked the Mayor and Council to vote in favor of the project.

Kathleen Skinner, Tucson Metropolitan Chamber of Commerce, said the project with the cooperation between the developer and the neighborhoods, had been excellent. She stated the Tucson Metropolitan Chamber of Commerce had been very vocal and a strong supporter of the infill opportunity, perhaps the largest in the City's history and that was because of the many quality jobs that would bring to the area and increased tax base for the City. She thanked everyone for their work on the project. They were pleased the Mayor and Council would vote in taking a step forward to bring this project to fruition.

Michael Toney said on January 25, 2007, the Zoning Examiner stated that the public hearing on that item would be continued to February 8, 2007, but that he would not take testimony at that time and instead would continue the hearing to March 8, 2007. On February 8, 2007, contrary to the Zoning Examiner's statement of January 25, 2007 that it would be continued, they held a Public Hearing on that date. Mr. Toney quoted from the February 8, 2007 Zoning Examiner's meeting, that the Zoning Examiner said he was uncomfortable, because he had told people not to show up that evening and told them to come back on March 8, 2007. Mr. Toney quoted from the minutes of prior meetings.

Mr. Toney said that they cut off a couple of weeks with the idea that it was going to not be a public hearing. He stated he would not have heard what they were talking about when Mr. Gavin said that he would continue it from February 8th, he said "do not come I will not take testimony." Michael Toney said that the Zoning Examiner took testimony. So the two-week notice had not occurred for a public hearing. He said, March 23 was the date of the final recommendation of the Zoning Examiner, and he said that it took two weeks notice to have a public hearing. He stated this public hearing was out of order. He said that he would appeal this matter; however, by the rules and regulations the Mayor and Council could not have a public hearing tonight. In fact, there was a great deal of conversation about that fact at the end of the March 8<sup>th</sup> illegal hearing that was held. He said that this was not noticed, and that was his point of order.

Mayor Walkup asked if there was anyone else that wished to speak on this subject.

Maggie Gerring, South Park Neighborhood Association Co-Chairperson, stated that she appreciated the opportunity to testify in front of the Mayor and Council on this project. She said that it was located entirely within the South Park neighborhood and that the neighborhood association supported the project. They appreciated the way the developers worked with the neighborhood people, communicated with them, and kept them in touch with what was going on and what their plans were. She said the developers had repeatedly taken their suggestions and their recommendations into their planning and appreciated the opportunities for shopping in the neighborhood, which was sadly lacking. It had been many years since they had a grocery store or any decent place to shop. She said that jobs were extremely important in the area because the unemployment was very high. She also said flood control was going to help the people in the neighborhood many of which had been repeatedly flooded by runoff which occurred because of the configuration of the properties and landing strip that was constructed there years ago. She said they appreciated the fact that a lot of work was put into that and agreed it was a good plan.

Tomas Leon, Tucson Hispanic Chamber of Commerce, commended the Mayor and Council on their leadership and due diligence in this community planning process. He said he knew that it had not been easy, but it had been meaningful. Most importantly it had been meaningful to the residents of this community and he congratulated the residents of the community for being there, voicing opinions and being involved with the process. He stated that the Tucson Hispanic Chamber of Commerce realized it was a significant step for the City. This would provide a great example for what was possible in the community when people come together, whether it was businesses or City government, as well as the residents. He said the Tucson Hispanic Chamber of Commerce stood ready to support the Mayor and Council and the residents of that community, and the partners that were making it possible. He stated he knew that this was going to change lives and create job opportunities and provide much needed services for the residents in the community. He congratulated Mayor and Council and said they supported the approval of the plan.

Eddie Dannyfield, Kino Weed and Seed Coalition, thanked the Mayor and Council for the opportunity to speak. He read from a prepared statement from the community at large. "From the community we want to thank Council Member Leal for working so hard for making this a real win-win experience. He brought all the groups together to work on the project itself. Considering drainage, architectural design, density etc. The development agreement with the City and our neighborhoods had raised the bar for all developments. This was the land for our new schools, serious money for jobs and training, help for small businesses and inclusion of the Arts Center, a pedestrian crossing for the kids and a twenty two-acre wildlife habitat. We told Steve (Council Member Leal) what we needed and we gave him the room to make it happen. We were satisfied

with his efforts.” Mr. Dannyfield said the letter was from the community. He thanked Council Member Leal for his efforts in accomplishing this project. He said he was born in Tucson, Arizona and was raised in that area entirely and was very familiar with the area. In 1976, his grandfather presented to him a design template and he said, “All of these things are going to happen in the next thirty years. Do not worry, the City is going to figure it out, they will make it happen.” Mr. Dannyfield said, at that time there was nothing but a huge patch of desert there, and he was glad to be alive to see that developing. He thanked the Mayor and Council for all their support in this matter.

Marcus Jernigan said he supported the project and thought it was a way to keep economic vitality in the central part of the City. He also liked the extensive open space set aside that have been planned. He said it would provide a great area for people to study and appreciate the natural habitats that exist in the Tucson area.

Mayor Walkup asked if anyone else wished to speak on the subject. Hearing no one, he asked for a motion to close the public hearing.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup asked the City Clerk to read the Ordinance 10383 by number and title only.

Ordinance No. 10383 relating to zoning: amending zoning district boundaries in the area located east of the Union Pacific Railroad tracks, south of 36<sup>th</sup> Street, west of Campbell Avenue and north of Interstate-10 in case C9-06-32, The Bridges PAD – Kino Parkway, R-2, C-1, C-2, and I-1 to PAD-15 (Planned Area Development); and setting an effective date.

Council Member Leal said that he wanted to thank some people who have been very involved from the beginning of the project. First of all, that was the Southside residents, who participated over time. He stated for the developer, it went back a couple of years, but for the residents it really started in 1998 when the neighbors went to Ward 5 office and the City Manager’s office. They suggested that a mixed-use development with the University of Arizona research facility, housing and commercial should go on this site. He thanked the Southside residents for their imagination and tenacity over time. He also thanked the University of Arizona in particular, Bruce Wright, Marshall Warden, because the University was proposed to build a research facility the likes of which there would only be four on the planet.

Council Member Leal stated that this project had huge impacts to the area. Some folks had spoken about that, including jobs, drainage, a school, pedestrian crossing, and wildlife habitat. He said the project had significance that would affect the entire community, the City’s economic development plans needed redundancy. He stated they did not have manufacturing the way they would like it, and so having a pharmacological institute there would give them another “horse to ride” economically in the community,

and it was very important. He also thanked KB Homes, Mr. John Bremond and Mr. Flagg (ph), for their continued efforts pulling on the rope to get them here. Also, Eric Davis from Eastbourne Development, worked hard to change a number of things to try to figure out how to hammer this into a win-win. He said that had really been in the last six months, that it had been forged into something that went from being pretty good to something that was really good. The developers had never signed a development agreement like this anywhere in the United States. There were some things the Council had learned that they would take with them into the future, as they looked at the zoning code and figured out ways to improve it.

Council Member Leal thanked Mr. Leon and said the Hispanic Chamber of Commerce brought good will to the table to help with things, and he appreciated that. The City would get added sales tax. This would give them a little stability on that, in particular the location by Interstate 10 and Interstate 19 would make the radius of potential customers huge. This may bring folks not only outside of Pima County, but they may get significant trade from Mexico at the site. He said when they started with this, one of the significant concerns that everyone had was the big box ordinance. He explained if they did what was being asked of them, would it create some sort of precedence that might erode the ordinance from the inside out and weaken everyone citywide into the future, one of those unintended consequences. He stated they had worked really hard to deal with this problem because that was a very legitimate concern. They worked very hard with the City Attorney, to come up with the particularities of the site that were not generalizable in other parts of town. He said that everyone would be hearing them in his motion, and there were six of them. Council Member Leal stated that would delineate the criteria by which they make this judgement. He also wanted to say that everyone there at the table had helped, and not everyone would be voting yes. He said it was important to say that if there were folks that vote no, this was done on philosophical grounds not about ill will, they were good people and it was a large and significant project with many facets and many consequences to it. The judgements were difficult and they had to give each other the room to disagree on things sometimes.

It was moved by Council Member Leal, duly seconded, to approve the request for rezoning as recommended by the Zoning Examiner and pass and adopt Ordinance 10383. He asked the Mayor and Council to make the following specific findings that would provide a basis for approval of the request as the Planned Area Development process. He said that approval of the Bridges PAD would provide vital and extraordinary benefits to the community and was based on the unique circumstances of the site. Which include:

- 1) The site was within a depressed economic area characterized by a disproportional high number of unemployed and a lack of available jobs. Poverty rates and low levels of educational attainment, and job skills.
- 2) The site was within an area that had been designated a Federal Empowerment Zone and a State Enterprise Zone.

- 3) In the South Park Hope VI economic development study prepared by the City in 2001 to provide an economic strategy for this area, it was determined that this area was severely lacking in personal merchandise and service options, requiring residents to travel long distances to fulfill their everyday shopping needs. The study determined that this site was the single most important site for the development that would significantly improve the economic status and character of the entire South Park area.
- 4) This site was over three hundred and fifty acres providing a unique opportunity for a large-scale planned development. The site had been vacant and unused for decades contributing to the lack of economic development and investment activity in the area.
- 5) The entire site would be developed under a single plan approved by the Mayor and Council. This allows the large retail use to be integrated into the overall development in a manner that puts distance and buffers, between the use and the existing residential neighborhoods.
- 6) The primary entrance to this site would be located near the junction of Interstate 10 and Interstate 19 providing access to the site from the interstate and Kino Boulevard. This would help steer non-area traffic away from the local streets and diminish the traffic impact of the adjoining areas. Council Member Leal stated that it was important to say that the last condition about the proximity to I-10 and I-19, was a condition by itself.

Mayor Walkup asked if there was any discussion.

Council Member Scott said she wanted to make some comments before the vote because it was significant that the surrounding neighborhoods supported this project and saw it as a major improvement to their neighborhood, as the project offered convenient shopping and employment opportunities that were desperately needed. The authorization of this project was the last step towards preparation of the final development plan before permits were issued. She said it had been a long process, beginning with the work of the University of Arizona Technology Park, KB Homes, and a task force project in Ward 4. She said they were able to resolve all of the remaining issues in the Annexation Agreement in order to move the agreement forward to the Bridges Project. She was pleased to see this final step of success. She thanked everyone involved in getting this done including the University of Arizona; KB Homes; Eastbourne Tucson; Jim Portner from Projects International; Mike Hein, City Manager; Peter Gavin, Zoning Examiner; Ernie Duarte, Director of Development Services and the rest of the staff from Transportation, and the Water Department, as well as the City Attorney's Office. She also thanked her former Chief of Staff and the Chair of the Taskforce, Byron Howard, for helping bring the overall agreement through the first stage so that her fellow Council Member and colleague Steve Leal could complete the second stage, which was the Bridges. She said without all of them this could not have happened.

Council Member Scott said she was hoping for a unanimous vote for this very important economic opportunity for the overall community, but in particular for this area and its neighborhoods. She understood that others had the same concerns she had regarding the big box issue. She said if the labor organizations could make an exception, she felt she could as well. She thanked Council Member Leal for resolving the primary concerns for the labor community. She said that it was a tribute to them that they were willing to set aside their concerns for this particular project in favor of supporting these neighborhoods. They continue to demonstrate their great interest in economic opportunities in Tucson and for their constituencies. She said, like the Mayor and Council, they were hopeful that all the potential positives that have been discussed would evolve as expected from the action the Mayor and Council would take.

Council Member Uhlich said it was very difficult, but she would be voting no. She said that she hoped that people understood that she was voting what she believed to be in keeping with her conscience. This was not out of any disrespect for the people in the area, she said that they deserved retail and for this area to be developed. She said this was a concern about the initial impetuous for the big box ordinance. These kinds of establishments could have impacts far beyond the immediate neighborhoods. She said that she was worried about the grocery store in South Tucson and the ones on Irvington and Kino. She said if she did not think that there would be any impacts in other areas, she would be more comfortable with voting yes. She said she was trusting that her relationships with folks in the immediate area would hold beyond this moment of disagreement. She stated that her other job was at the Southwest Center for Economic Integrity and she said that she had had good experience and appreciated working alongside the Kino Weed and Seed and other groups to develop for example, alternatives to payday lending. She said that she understood the complexities and thanked Council Member Leal for acknowledging the difficulty associated with this particular decision.

Council Member Uhlich said that she would also like to note that the process had been good for adjoining neighbors. She said that they deserved that respect and participation, but it had not been very good from where she sat. She said she was very angry at the beginning, and had conversations with the folks from Eastbourne, but initially she had heard statements like “well if we can’t get around this big box then we might have to go industrial.” She said that was not a very gracious way to open up a dialog and they were textbook strategies for narrowing options. Council Member Uhlich also wanted to make it clear that right now she was working on a big box in Ward 3, with Target. She said they were working with the Limberlost Neighborhood and other adjoining neighborhoods. They were working to make it the best it could be and were honoring the ten percent limit, which was what threatened other businesses in the City. She stated she had to believe that this could have happened, come together without all of the waivers, in particularly the one that held the most possibility for economic fall out, beyond the immediate area. She applauded the neighborhoods, the folks that have taken such leadership and time to do this, and KB Homes, the University of Arizona, and everyone involved. She pledged to work tirelessly to do everything in her power to make it a successful project over time.



Council Member Trasoff explained she was not sure how she wanted to vote. She said she had been wrestling with this and she applauded Council Member Uhlich for her conviction. She said she thought it needed to be acknowledged and for Council Member Uhlich's commitment to the neighborhood. She stated she shared that commitment, to do what was right and not what was political. She said this had been, in the fifteen months of being in office, the most difficult issue. She said it was difficult to weigh the immediate concerns of people that were living in the area with the overall concerns of the community as a whole and the impacts, not just that one area would be impacted. She said she resented how it had happened, but not by our local partners. She said she had loved working with KB Homes. They had always been direct, honest, and straightforward. They had disagreed, and they agreed, but they were there and were a good neighbor and a part of this community. The same thing with the University of Arizona, they were an outstanding partner in our community. She said that it was the out of state that had turned this into a game of hard ball manipulation and misrepresentation. She said ninety-five, maybe ninety-eight percent of that project was the poster child of what they should be doing in that community, blending, living, working, shopping and environment, all together, economic development all in one place and good jobs all in one place.

Council Member Trasoff said that she resented the bullying and having been held hostage. Early on, it was considered if they do not get this, then the University of Arizona was gone and Tucson was not going to get the BioSciences, and KB would walk. She said that was not from KB Homes or University of Arizona, it was coming from the third party. The demands that were being made, they keep saying that it was not Wal-Mart, but nobody else made those demands. She said Council Member Uhlich referred to Target, which had done two big box projects that have not had the need to go beyond the ten thousand square feet. She wondered why the extra space made a difference when they were talking about such enormous space. She said that it could be done, it was not ideology that she was opposed to or a union issue. She said it was none of those things, it was looking at what this company did to the communities it enters, beyond the PR and flash. Having to find the balance, the neighbors who had been undeserved, ignored, and who have done without for so long. She said the neighborhoods need and deserve the services right where they live and absolutely agreed with everyone on that.

Council Member Trasoff said that she worried on the other side about the company, even though she would like to be proven wrong. She said they were dealing with a corporation that had a major lawsuit with more than one million women, in a class action suit because it did not treat women fairly. A company that had many fair labor questions out about it, but she also listened to her colleague who had talked about special circumstances, and the fact that labor had been silent on this, largely because of the special circumstances. She said Mr. Davis was honest enough to say, "this is unique" and she asked him if that meant when another parcel came up, would Wal-Mart not come to the Council and say "well you did it over there, you need to do it here." She said Mr. Davis was honest enough to say yes, they probably would. She said that it was already

passing with or without her, and that it was important to make statements to say that every vote does count, even if something had already passed. She wanted it to be known that regardless of what happened that the Council was going to hold firm. She stated there were six special circumstances and those circumstances were not going to happen again in that community. She said this was where they come to the balance of the greater good, and make a decision. She said the neighbors wanted it. They had participated in the project and in the process, that in it was a positive and an amazing thing, because it had brought them together as an area. She said because of the unique circumstances she was going to do what she might have had to do in the beginning, which was when it was something that she objected to on moral and other grounds personally, but was something that was in the greater good of the community, she had to vote yes.

Mayor Walkup stated he appreciated everything that everyone had to say, because this had been a tough project. This was a great community and to get to great places sometimes it was a tough road. He said that there were some real honest expressions today. He said this was a very prideful moment in Tucson, with great historical value where everyone would look back at that moment and say, "The moment that we fought over this, and we really cried about our decisions, it was the right thing to do." He said Council Member Leal showed great leadership. He said he was pleased to be a part of the ultimate decision on that, and thought it was right for the community. He applauded the Council for everything they did. He also applauded the community that came forth and said they really needed that. He said it was part of the Council's job to listen to what the community had to say and make good decisions. Mayor Walkup said congratulations to everyone that was involved.

Mayor Walkup asked if there was any more discussion. Upon hearing none, he called for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Scott, Leal and Trasoff;  
Vice Mayor West and Mayor Walkup

Nay: Council Member Uhlich

Ordinance 10383 was declared passed and adopted by a roll call vote of 6 to 1.

RECESS: 7:04 p.m.

RECONVENE: 7:20 p.m.

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Vice Mayor, Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused: None

**11. ZONING: (C9-97-08) HOUGHTON / IRVINGTON LP – IRVINGTON ROAD, SR TO C-1, ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 154, dated March 27, 2007 would be received into and made a part of the record. He also announced this was a request to rezone property located on the northwest corner of Houghton Road and Irvington Road. He asked the City Clerk to read the Ordinance 10382 by number and title only.

Ordinance No. 10382 relating to zoning: amending zoning district boundaries in the area located at the northwest corner of Houghton Road and Irvington Road in Case C9-97-08, Houghton /Irvington LP – Irvington Road, SR to C-1, and setting an effective date.

It was moved by Council Member Scott, duly seconded, to pass and adopt Ordinance 10382.

Mayor Walkup asked if there was any further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal and Trasoff;  
Vice Mayor West and Mayor Walkup

Nay: None

Ordinance 10382 was declared passed and adopted by a roll call vote of 7 to 0.

**12. ZONING: (C9-05-08) STILLER – ESCALANTE ROAD, SR TO R1, TIME EXTENSION**

Kathleen S. Detrick, City Clerk, announced a clerical correction to Item 12. The time extension was to read March 28, 2007 to March 28, 2011, not to February 16, 2011 as indicated in the Staff Recommendation in the Mayor and Council Communication.

Mayor Walkup announced City Manager's communication number 165, dated March 27, 2007 would be received into and made a part of the record. He also announced this was a request for a time extension for this rezoning case. It was located between Escalante Road and the Pantano Wash, approximately one half-mile east of Harrison Road. He asked if the applicant or representative was present.

Ben Buehler-Garcia, representing Escalante Developments, stated they agreed to all the conditions.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote 7 to 0, that the request for time extension as presented by Staff, with the corrections read into the record by the City Clerk.

**13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Walkup announced City Manager's communication number 157, dated March 6, 2007, would be received into and made a part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to appoint Rose Anderson and Larry Byrd representing Esperanza En Escalante and Murray Handler representing Tucson Jewish War Vets, Friedman-Paul Post 201 to the Veterans' Affair Committee.

Mayor Walkup asked if there were any personal appointments to be made.

Council Member Uhlich announced her personal appointment of Deborah Munoz-Chacon from the Sonoran Oasis Landscape to the Minority and Women Business Enterprise Commission.

**14. ADJOURNMENT:** 7:23 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, April 4, 2007, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

**CERTIFICATE OF AUTHENTICITY**

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 27<sup>th</sup> day of March 2007, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

KSD: jmg/ds